

GAHC010204242024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2996/2024

ZAKIR HUSSAIN
S/O AINUDDIN, R/O RAJABORI, P.S.-BATADRAVA, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE, MR A ISLAM, MR. S K M ALOMGIR

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

05/11/2024

Heard Mr. F Haque, learned counsel for the petitioner and Mr. K K Das, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner, namely, **Zakir Hussain**, son of Ainuddin, resident of Rajabori, P.S. Batadrava, District-Nagaon, seeking bail in **Dhing P.S. Case No. 170/2024** registered under Sections 21(b)/29 of NDPS Act, 1985, corresponding to G.R. No. 3073/2024, wherein he was arrested on 07.09.2024 and is in custody since then.

3. On instruction of the concerned Investigating Officer, Mr. Das, learned Additional Public Prosecutor, Assam submitted that though police have already completed the investigation of the case

but FSL report is still awaited for which they could not file the charge-sheet in the case. From the date of his arrest on 07.09.2024, the petitioner has already completed the statutory/mandatory period of detention of 60 days.

4. Considering the above and since the petitioner has already completed the statutory/mandatory period of his detention in custody since 07.09.2024, the Court found that he is entitled for default bail in said Dhing P.S. Case No. 170/2024.

5. Accordingly, the petitioner, namely, **Zakir Hussain**, is granted default bail in said **Dhing P.S. Case No. 170/2024** registered under Sections 21(b)/29 of NDPS Act, 1985, corresponding to G.R. No. 3073/2024, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee either Central or State Government, to the satisfaction of the learned Special Judge (NDPS), Nagaon, on conditions that the petitioner — (i) shall appear before the Investigating Officer of said Dhing P.S. Case No. 170/2024 as and when he is required for necessary investigation of the case; (ii) shall not leave the territorial jurisdiction of the learned Special Judge (NDPS), Nagaon, without obtaining prior written permission from the said authority; (iii) shall not hamper with the investigation, or tamper with the evidence of the case; (iv) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; (v) shall not involve himself in any criminal activities and (vi) shall surrender his passport, if any, before the learned Special Judge (NDPS), Nagaon on or before 14.11.2024, obtaining necessary acknowledgment in that regard, failing which, the bail granted to him in the aforesaid **Dhing P.S. Case No. 170/2024** shall stand automatically vacated.

6. This bail application accordingly stands disposed of with the above directions.

JUDGE

Comparing Assistant